

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION**

In re: Randy W. Polons, Debtor, CSMC 2019-RPL7 Trust, Movant, v. Randy W. Polons, Debtor/Respondent, Jack N Zaharopoulos, Trustee/Respondent.	Bankruptcy No. 5:24-bk-00794-MJC Chapter 13 Related to Doc. No. 19
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**CSMC 2019-RPL7 TRUST'S AMENDED OBJECTION TO CONFIRMATION OF
DEBTOR'S CHAPTER 13 PLAN**

CSMC 2019-RPL7 Trust, ("CSMC"), by and through its undersigned counsel, hereby objects to the proposed Chapter 13 Plan of Debtor, Randy W. Polons, and in support thereof alleges as follows:

1. Debtor, Randy W. Polons, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 3, 2024.
2. CSMC holds a security interest in the Debtor's real property located 1365 Trailwood Lake Road, Wilkes-Barre, PA 18702 (the "Property"), by virtue of a Mortgage recorded with the Luzerne County Recorder of Deeds on April 19, 2007 in Instrument No. 5760094 which has ultimately been assigned to CSMC 2019-RPL7 Trust.
3. Said Mortgage secures a Note in the amount of \$66,514.78

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4. On June 11, 2024, CSMC filed its Proof of Claim No. 11-for a Total Debt Claim 1in the amount of \$30,015.20. A true and correct copy of the Proof of Claim together with all supporting documents is attached hereto as Exhibit “A.”
5. On May 15, 2024, Debtor filed a Chapter 13 Plan (the “Plan”) A true and correct copy of the Plan is attached hereto as Exhibit “B.”
6. In the Plan Debtor improperly proposes a “cure-and-maintain” treatment for CSMC’s Total Debt Claim.
7. CSMC’s Total Debt Claim must be paid in full during the term of Debtor’s Plan.
8. Debtor’s proposed treatment of CSMC’s Total Debt Claim fails to provide for the payment of interest, which must be paid pursuant to the United States Supreme Court’s holding in Till v. SCS Credit Corp., 541 U.S. 465 (2004).
9. Debtor’s Plan also fails to provide that Debtor will be responsible for the payment of taxes and insurance satisfactory to CSMC and set forth the remedies available to CSMC should Debtor default on these obligations.
10. Debtor’s Plan does not provide that CSMC’s mortgage lien will continue until its Total Debt Claim is paid in full.
11. In order to be confirmable under 11 USC 1325(a)(5)(B)(i) Debtor’s Plan must satisfy the requirements set forth in Paragraphs 7 through 10 above.
12. Secured Creditor, therefore, objects to the confirmation of Debtor’s Plan on the grounds set forth in Paragraphs 7 through 10 above.

WHEREFORE, Secured creditor CSMC 2019-RPL7 Trust, respectfully requests that this Court not confirm the Chapter 13 Plan of Debtor, Randy W. Polons.

Respectfully Submitted,

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Authorized Agent for Secured Creditor
13010 Morris Rd., Suite 450
Alpharetta, GA 30004
Phone: (470) 321-7112
Fax: (404) 393-1425

By: /s/Robert Shearer
Robert Shearer, Esquire
Pennsylvania Bar Number 83745
Email: rshearer@raslg.com

Date: July 2, 2024

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 2, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Michael A. Cibik
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102

Jack N Zaharopoulos
Standing Chapter 13
(Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036

United States Trustee
US Courthouse
1501 N. 6th St
Harrisburg, PA 17102

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Randy W. Polons
554 Trailwood Lake Rd
Bear Crk Twp, PA 18702-8511

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

Authorized Agent for Secured Creditor

13010 Morris Rd., Suite 450

Alpharetta, GA 30004

Phone: (470) 321-7112

Fax: (404) 393-1425

By: /s/Maria Jaramillo

Email: mjaramillo@raslg.com